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CENTRAL INTELLIGENCE AGENCY

WASHINGTON, D.C. 20505

Office of General Counsel

31 August 1984

(b)(3)

Craig Gillen, Esquire  
Lead Attorney, N.D. GA  
Southeastern Drug Task Force  
Department of Justice  
75 Spring Street, S. W.  
Atlanta, Georgia 30003

Dear Mr. Gillen:

Re: U.S. v. Harold Joseph Rosenthal, et al.,  
CR. No. 84-14A

Enclosed are Affidavits of no record from the Records Custodians of the Directorate of Operations, Office of Security and Office of Personnel, CIA. These documents are transmitted under the Certificate of the General Counsel, CIA, authenticating the documents pursuant to Rule 902 of the Federal Rules of Evidence, Rule 27 of the Federal Rules of Criminal Procedure, and Rule 44 of the Federal Rules of Civil Procedure. This material is unclassified and may be filed in open court.

Sincerely,

Assistant General Counsel

(b)(3)

Enclosures:

Certificate of Stanley Sporkin  
Affidavit of William R. Kotapish  
Affidavit of William D. Miller  
Affidavit of Robert W. Magee

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION

UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	
	)	
v.	)	CR. NO. 84-14-A
	)	
HAROLD JOSEPH ROSENTHAL and	)	
PHILIP ANTHONY BONADONNA,	)	
	)	
Defendants.	)	

CERTIFICATE

1. I am the General Counsel of the Central Intelligence Agency (CIA). As a function of my Office, I am custodian of the Seal of the Central Intelligence Agency.

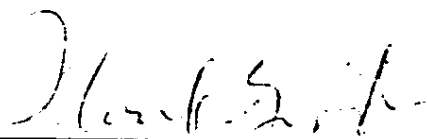
2. Pursuant to the provisions of Rule 902(1) of the Federal Rules of Evidence, Rule 27 of the Federal Rules of Criminal Procedure and Rule 44(a) of the Federal Rules of Civil Procedure, I certify that William R. Kotapish, whose Affidavit is attached hereto and incorporated by reference herein, is the official Records Custodian for the Office of Security, CIA, and that said Affidavit is an official record of the Central Intelligence Agency.

3. Pursuant to the provisions of Rule 902(1) of the Federal Rules of Evidence, Rule 27 of the Federal Rules of Criminal Procedure and Rule 44(a) of the Federal Rules of Civil Procedure, I certify that William D. Miller, whose Affidavit is attached hereto and incorporated by reference herein, is the

official Records Custodian of the central files and indices, Directorate of Operations, CIA, and that said Affidavit is an official record of the Central Intelligence Agency.

4. Pursuant to the provisions of Rule 902(1) of the Federal Rules of Evidence, Rule 27 of the Federal Rules of Criminal Procedure and Rule 44(a) of the Federal Rules of Civil Procedure, I certify that Robert W. Magee, whose Affidavit is attached hereto and incorporated by reference herein, is the official Records Custodian for the Office of Personnel, CIA, and that said Affidavit is an official record of the Central Intelligence Agency.

5. IN WITNESS WHEREOF, I have hereupon set my hand and caused the Seal of the Central Intelligence Agency to be affixed to this Certificate.

  
\_\_\_\_\_  
STANLEY SPORKIN  
General Counsel  
Central Intelligence Agency

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION

UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	
	)	
v.	)	CR. NO. 84-14-A
	)	
HAROLD JOSEPH ROSENTHAL and	)	
PHILIP ANTHONY BONADONNA,	)	
	)	
Defendants.	)	

AFFIDAVIT OF WILLIAM R. KOTAPISH

COMMONWEALTH OF VIRGINIA,	)	
	)	ss.
COUNTY OF FAIRFAX, to-wit:	)	

WILLIAM R. KOTAPISH, being duly sworn, deposes and says:


1. I am the Director of Security of the Central Intelligence Agency (CIA) and have held that position since 11 February 1980. As Director of Security, I am the custodian of the central files and indices of the Office of Security and am responsible for processing and maintaining such files and indices. Said records are maintained by CIA in Fairfax County, Virginia, and in archival storage, in the regular course of the business of the CIA and it is the regular practice of the CIA to maintain such records. The Office of Security maintains records of security approvals required by persons who have access to classified CIA activities and/or information. In my official capacity, I have access to all records of the Office of Security. My responsibilities also include supervising

the search for and retrieval of Office of Security documents pursuant to requests for information concerning the possible affiliation of persons with the CIA. The statements contained herein are based upon my knowledge and belief, upon information made available to me in my official capacity, upon advice received from the Office of General Counsel, CIA, and upon judgments made in accordance therewith.

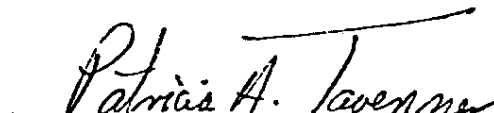
2. In response to a request by the Office of General Counsel, CIA, a thorough and diligent search was made of the indices of the Office of Security for information pertaining to Harold Joseph Rosenthal (aka Harold Ross), Loy Shipp, and Albert Henry Berlin. This search was conducted under my supervision by CIA employees who have access to Office of Security indices, and who are qualified to search those indices for names or other information in the regular course of their professional duties.

3. An individual being given access to classified information through the CIA, including employment by the CIA, or who would be involved in classified CIA activities, would be the subject of a security investigation or approval by the Office of Security. Only the Office of Security is authorized to conduct such investigations and to grant such approvals. Every such security investigation and security approval would be recorded in the records of the Office of Security. Such records are eligible for destruction only after the clearances or approvals are no longer needed and the file is closed and

remains so for a period of not less than 10 years. After a thorough and diligent search of the indices of the Office of Security, no records or information of any kind was found relating to the grant of a security approval to or showing any affiliation, past or present, between Rosenthal, Shipp or Berlin and the CIA.

  
WILLIAM R. KOTAPISH

Subscribed and sworn to before me this 30th day of Aug., 1984.

  
Notary Public

My commission expires: 10 Aug. 1985.

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION

UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	
	)	
v.	)	CR. NO. 84-14-A
	)	
HAROLD JOSEPH ROSENTHAL and	)	
PHILIP ANTHONY BONADONNA,	)	
	)	
Defendants.	)	

AFFIDAVIT OF WILLIAM D. MILLER

COMMONWEALTH OF VIRGINIA,	)	
	)	ss.
COUNTY OF FAIRFAX, to-wit:	)	

WILLIAM D. MILLER, after being duly sworn, deposes and says:

1. I am the Chief of the Operations Group, Information and Management Staff, Directorate of Operations (DO), Central Intelligence Agency (CIA). As Chief of the Operations Group, I am the custodian of the central files and indices of the Directorate of Operations\* and am responsible for processing and maintaining such files and indices. Said records are maintained by CIA in Fairfax County, Virginia, and in archival storage, in the regular course of the business of the CIA and

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\*The Directorate of Operations collects foreign intelligence, largely through secret means; carries out counterintelligence responsibilities abroad; and undertakes, when directed by the National Security Council, other select foreign intelligence tasks.



it is the regular practice of the CIA to maintain such records. In my official capacity, I have access to all records of the Directorate of Operations. My responsibilities also include the search for and retrieval of Directorate of Operations documents in response to requests from appropriate Agency officials. The statements made herein are based upon my knowledge and belief, upon information made available to me in my official capacity, upon advice of the CIA Office of General Counsel, and upon conclusions reached in accordance therewith.

2. In response to a request by the Office of General Counsel, CIA, a search was made by employees under my supervision of the DO central files and indices for information concerning Harold Joseph Rosenthal (aka Harold Ross), Loy Shipp and Albert Henry Berlin. This search was made by employees who are qualified to search those systems of records, and who conduct searches of those systems in the course of their normal duties. A thorough and diligent search of these records systems disclosed no record of contact or association with Rosenthal, Shipp or Berlin.

  
WILLIAM D. MILLER

Subscribed and sworn to before me this 30<sup>th</sup> day of Aug., 1984.

  
Notary Public

My commission expires: 8 July 1988.

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION

UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	
	)	
v.	)	CR. NO. 84-14-A
	)	
HAROLD JOSEPH ROSENTHAL and	)	
PHILIP ANTHONY BONADONNA,	)	
	)	
Defendants.	)	

AFFIDAVIT OF ROBERT W. MAGEE

COMMONWEALTH OF VIRGINIA,	)	
	)	ss.
COUNTY OF FAIRFAX, to-wit:	)	

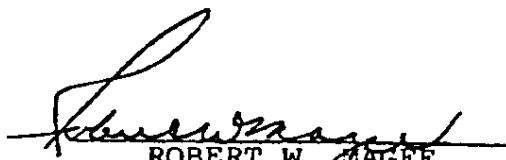
ROBERT W. MAGEE, being duly sworn, deposes and says:

1. I am the Director of Personnel for the Central Intelligence Agency (CIA). As Director of Personnel, I am the custodian of the official personnel files and applicant files of the Agency. Said records are maintained by CIA in Fairfax County, Virginia, and in archival storage, in the regular course of business of the CIA and it is the regular practice of the CIA to maintain such records. In my official capacity, I have access to all records of the Office of Personnel. My responsibilities also include supervising the search for and retrieval of Office of Personnel documents in response to requests from appropriate Agency officials. The Office of Personnel maintains records on all current and former

employees of the Agency, whether employed in a contract or staff capacity. The statements made herein are my knowledge and belief, based on information received by me in my official capacity, upon advice of the Office of General Counsel, CIA, and upon conclusions reached in accordance therewith.

2. In response to a request by the Office of General Counsel, CIA, a thorough and diligent search was made of all Office of Personnel records systems for information pertaining to Harold Joseph Rosenthal (aka Harold Ross), Loy Shipp, and Albert Henry Berlin. This search was conducted by CIA employees under my supervision who have access to all pertinent Office of Personnel records, who are qualified to search those records and who do, in fact, search those records for names or other information in the regular course of their professional duties.

3. After a diligent search of all Office of Personnel records systems, no record or information of any kind pertaining to Rosenthal, Shipp or Berlin was found.

  
ROBERT W. MAGEE

Subscribed and sworn to before me this 30<sup>th</sup> day of August 1984.

  
Notary Public

My commission expires: 27 January 1985.

CENTRAL INTELLIGENCE AGENCY

WASHINGTON, D.C. 20505

Office of General Counsel

8 August 1984

(b)(3)

Craig Gillen, Esquire  
Southeastern Drug Task Force  
Department of Justice  
75 Spring Street, S. W.  
Atlanta, Georgia 30303

Dear Mr. Gillen:

Re: U.S. v. Harold Joseph Rosenthal, et al.  
CR. No. 84-14A

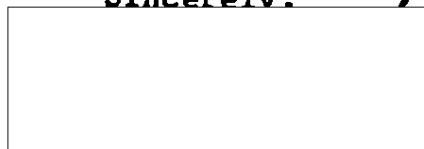
This letter amplifies CIA's previous response concerning the defense allegations of a relationship between Harold Joseph Rosenthal, and also addresses similar allegations of a CIA relationship with Loy Shipp.

Neither Harold Joseph Rosenthal nor Loy Shipp have had any association or relationship whatsoever with CIA. Neither was an employee, covert associate, contractor, agent or asset of CIA. The basis for this statement is the absence of any record of employment, contract, association, contact or other relationship between CIA and either Mr. Rosenthal or Mr. Shipp. Had any relationship existed, a record would have been made and maintained by the CIA and the record would have been disclosed during the searches made pursuant to the defendant's Section 5 CIPA notice.

Defense counsel's reference to the possible existence of unofficial "soft files" is without merit. If Rosenthal or Shipp had been employees of CIA, an official record would exist. If Rosenthal or Shipp had been contract employees of CIA, an official record would exist. Had Rosenthal or Shipp supplied intelligence information to CIA, an official record would exist. Had CIA expended any funds on behalf of an operation involving Rosenthal or Shipp, or paid any funds to Rosenthal or Shipp, an official record would exist. None of these records exist, and it must be concluded that the underlying relationships which would have required the creation of records also never existed.

I believe that CIA has now denied every possible permutation of the defense claim of a relationship between CIA and Mr. Rosenthal. Please advise the court and defense counsel in the strongest terms that there is absolutely no foundation to Mr. Rosenthal's claims. The foregoing information is unclassified and may be stated in open court. I ask that you do so.

Sincerely, /



Assistant General Counsel

(b)(3)

**CENTRAL INTELLIGENCE AGENCY**

WASHINGTON, D.C. 20505

Office of General Counsel

[Redacted]

7 August 1984

(b)(3)

Craig Gillen, Esquire  
Southeastern Drug Task Force  
Department of Justice  
75 Spring Street, S.W.  
Atlanta, GA 30303

Dear Mr. Gillen:

Re: U.S. v. Harold Joseph Rosenthal, et al.  
CR. No. 84-14A

Pursuant to your request, the Office of General Counsel queried the appropriate offices of the Central Intelligence Agency for any information concerning the escape of Harold Joseph Rosenthal from the Federal Correctional Institute in Memphis, Tennessee in September 1981. (The General Counsel has access to any information in CIA necessary to perform assigned duties.) Searches conducted pursuant to the inquiry from this Office disclosed no record of CIA having prior knowledge of Mr. Rosenthal's escape and no record of CIA assisting in his escape. Indeed, there is no record of CIA having any association whatsoever with Mr. Rosenthal. The meaning of this no record response is clear and unequivocal. CIA had no relationship with Mr. Rosenthal and was in no way involved in his escape.

Accordingly, you may advise the court that CIA did not have prior knowledge of, and CIA did not assist in the escape of, Harold Joseph Rosenthal from the Federal Correctional Institute in Memphis, Tennessee on September 30, 1981.

Sincerely,

[Redacted Signature]

Assistant General Counsel

(b)(3)